

SENATE HIGHWAYS AND TRANSPORTATION	
EXHIBIT NO.	1
DATE	12/1/08
BILL NO.	976, 977, 978, 979

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
THE STATE OF MONTANA REQUESTING AN INTERIM LEGISLATIVE STUDY OF  
DRIVING UNDER THE INFLUENCE IN MONTANA.

WHEREAS, Montana law prohibits individuals from driving under the influence of drugs or alcohol; and

WHEREAS, Montana law includes more than twelve statutes addressing driving under the influence; and

WHEREAS, law enforcement officers, prosecutors, public defenders, courts, addition counselors, treatment professionals, probation officers and driver control analysts struggle to interpret these statutes and apply the results to the wide range of circumstances that serious offenders present; and

WHEREAS, Montana motor vehicle division shows that convictions of driving under the influence, first offense, to be 3009 convictions in 2004, 2832 convictions in 2005, 3250 convictions in 2006, 3051 convictions in 2007, and 3043 convictions in 2008; and

WHEREAS, Montana motor vehicle division statistics show that driving under the influence, second offense, to increase from 909 convictions in 2004 to 1135 convictions in 2008; and

WHEREAS, Montana highway patrol reports in 2007 there were 324 drivers involved in 249 fatal crashes, and 123 of those drivers were driving under the influence; and

WHEREAS, Montana highway patrol reports in 2007 there were 9541 drivers involved in injury crashes, and 1161 of those drivers were driving under the influence; and

WHEREAS, Montana department of transportation reports that driving under the

influence resulted in 1767 injuries and 106 fatalities in 2004, 1623 injuries and 124 fatalities in 2005, 1816 injuries and 126 fatalities in 2006, 1771 injuries and 124 fatalities in 2007, and 91 fatalities in 2008.

WHEREAS, Montana continues to see an increase in driving under the influence convictions of 3% to 5% per year since 2000; and

WHEREAS, Montana statistical analysis may suggest that the conviction to arrest rate be as low as 1 to 1.5 and as high as 1 to 6; and

WHEREAS, it is the duty of the Legislature to protect the safety of the public on public highways.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designated an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources:

(1) to study the issue of driving under the influence generally and determine any legislation that might augment current law in reducing the incidence of driving under the influence; and

(2) to take a comprehensive look at new technologies, changes in the law, and changes in enforcement and judicial discretion, and identify improvements, where applicable, that can be made to current laws related to driving under the influence.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by \_\_\_\_\_.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and

review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.